

UNITED STATES DIST. COURT SOUTHERN DIST
COUNTY OF NEW YORK

WILFREDO MATOS ET AND

- against -

738 RESTAURANT CORP., ET AL

Plaintiff(s)

Defendant(s)

Index No.

AFFIDAVIT OF SERVICE

SUMMONS & COMPLAINT

STATE OF NEW YORK: COUNTY OF NEW YORK

ss:

DANIEL MILLER

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.That on 03/17/08 at 1020AM Hours at C/O SEC. STATE 99 WASHINGTON AVENUE ALBANY, NEW YORK
deponent served the within SUMMONS & COMPLAINT

on

therein named,

738 RESTAURANT CORP.

INDIVIDUAL

A ☐by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☐ (S) He identified (her) himself as such.

CORPORATION

XX B ☐SUITABLE
AGE PERSONC ☐a (domestic) (foreign) corporation by delivering thereto a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be ☐ two copies DONNA CHRISTIE
AUTHORIZED AGENT thereofAFFIXING TO
DOOR, ETC.D ☐by delivering thereto a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipient

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereto, having called there on the dates below:

MAILING
USE WITH
C or D☐Service upon the N.Y.S. Secretary of State under Section
306 of the B.C.L. and tendering a fee of \$40.00

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient and deposited at

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

FEMALE

WHITE

BLOND

35

5' 5

140

MILITARY
SERVICE☐

Above person has asked, whether the recipient (s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient (s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

USE IN
NYC CIVIL CT.☐Sworn to before
me on the

03/18/08

The language required by NYCRR 2900.2(e), (f) & (h) was set forth on the face of said summons (es).

SANDRA FARRON

Notary Public, State of New York

No. 01FA4784241

Qualified in Nassau County

Commission Expires Sept. 30, 2009

DANIEL MILLER

LICENSE No.

116217